

Atty. Dkt. No. 041673-2092

REMARKS

In the Office Action of September 21, 2005, a restriction requirement was made with respect to claims 2-6, 8-14, 16-21 and 23-67 as follows:

Group I: Claims 2-6, 8-13, 27-42, 52-61, drawn to a nucleic acid molecule encoding a chimeric TNFa ligand polypeptide, including vectors, genetic constructs, host cells and processes of producing said chimeric TNFa ligand polypeptide, classified in Class 435, subclasses 252.3, 320.1, 326, 455 and in Class 536, subclass 23.1.

Group II: Claims 14, 16-21, 24-26, 62, drawn to a chimeric TNFa, classified in Class 530, subclass 350.

Group III: Claims 43-46, drawn to methods of increasing the concentration of a ligand capable of binding to a TNFa receptor by introducing a nucleic acid molecule encoding a chimeric TNFa polypeptide, classified in Class 435, subclass 440.

Group IV: Claim 47, drawn to methods of inducing apoptosis of a cell by introducing a nucleic acid molecule encoding a chimeric TNFa ligand polypeptide, classified in Class 435, subclass 440.

Group V: Claims 48, 64, drawn to methods of inducing activation of an immune system cell by introducing a nucleic acid molecule encoding a chimeric TNFa ligand polypeptide, classified in Class 4

Group VI: Claims 49-50, 65-66, drawn to methods of treating neoplasia in a patient by introducing a nucleic acid molecule encoding a chimeric TNFa ligand polypeptide into a neoplastic cell, classified in Class 435, subclass 440.

Group VII: Claims 51, 67, drawn to methods of treating neoplasia in a patient by introducing a nucleic acid molecule encoding a chimeric TNFa ligand polypeptide directly into a tumor of a patient, classified in Class 514, subclass 44.

Atty. Dkt. No. 041673-2092

Without traverse, Applicants previously elected the claims of Group I for examination, and the species wherein Domains I, II and III were fragments of CD154, while Domain IV comprised a fragment of human TNF α . Claims not reading on the elected group and species were withdrawn (i.e., all of the claims of Groups II, III, IV, V and VI). Further, claims within Group I which read on, but were drawn to, *more* than the elected group and species were also previously withdrawn (claims 13, 30-31, 42 and 52-61), for the sake of streamlining examination of the elected group and species.

Pursuant to a telephone conference of May 16, 2006 between the undersigned and the Examiner, the latter withdrawn claims from Group I are now cancelled. New claims 68-75 are now directed to the same subject matter as cancelled claims 13, 30-31, 42 and 52-61, but are limited in scope to the elected group and species, for the purpose of further streamlining examination. Being directed to a subset of the subject matter of the original claims, such new claims 68-75 are fully supported by the specification.

Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Atty. Dkt. No. 041673-2092

No fees are believed to be due in connection with this Amendment. If, however, additional fees are due, the Commissioner is hereby authorized to charge such fees, excepting any issue fee, to Deposit Account No. 50-0872.

Respectfully submitted,

Date 5-16-2006

By



FOLEY & LARDNER LLP

Customer Number: 30542

Telephone: (858) 847-6720

Facsimile: (858) 792-6773

Stacy L. Taylor
Attorney for Applicant
Registration No. 34,842